

Application No. 10/643,330  
AMENDMENT D

### Remarks

The Examiner is respectfully requested to reexamine and allow the application in view of the following points.

### 37 CFR 1.116 Showing

This response after final action should be entered under 37 C.F.R. Section 1.116, which specifies, "[A]mendments may be made canceling claims.... Amendments presenting rejected claims in better form for consideration on appeal may be admitted." Claim 15 has been cancelled, and claim 14 is essentially claim 15 rewritten in independent form.

### Interview

The undersigned thanks the Examiner for his courtesy and helpful remarks during the telephone interview on August 5, 2005, respecting this application. The applicants discussed the Gillespie reference of record, as well as "Cremation FAQ" (a new article, not admitted to be prior art, discussing conventional cremation conditions, also filed here with a PTO Form PTO/SB/08A), and presented substantially the following arguments for patentability. While no agreement was reached on allowable claims, the Examiner agreed to reconsider his position in view of a written submission of the points raised.

The Examiner also suggested modifying the broadest claim by specifying carbon recovery process conditions more specific than what are described in the Gillespie prior art of record.

### Getting Carbon from Cremated Remains is Surprising: Cremation Intentionally Destroys Carbon

As the applicant explained in detail in previous responses, none of the prior art of record provides an enabling disclosure of the present claimed process for extracting enough carbon from already-cremated remains to make a diamond, as recited in claim 14. This process is counter-intuitive to those skilled in the art, who know that the cremation process is deliberately carried out in a manner (abundant oxygen, high temperature of about 1400°F to 1800°F, long process) that is understood in the art to remove all the burnable material that can be extracted, particularly carbon. The enclosed article, "Cremation FAQ", reinforces this point.

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Claim 14 in essence is claim 15 rewritten in independent form. Claim 14 is distinguished from the cited prior art by its requirement that the "residual carbon [is collected] from said cremated human or animal remains by purifying said cremated human or animal remains in the presence of additional carbon from another source." No such process involving sacrificial carbon is disclosed in the Gillespie or Hunter prior art. Dr. Froberg's Second Declaration of March 3, 2004, provides evidence that adding sacrificial carbon from another source to the cremated remains increases the amount of carbon retrieved from the original remains. See, for example, Paragraphs 9, 10, 11, and 14. Support for this claim can be found, for example, in Paragraph 0035 of the present application as published (US 2004/0031434 A1), which is on page 11, lines 16-23 of the typed specification.

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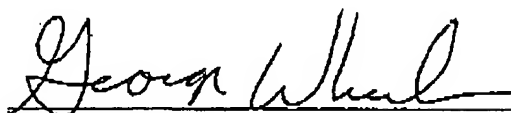
**Conclusion**

For the stated reasons, claims 14, 16, and 17 are patentable and should be allowed immediately.

Please charge any additional fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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